

June 5, 2007



**VIA EXPRESS MAIL**

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

**RE: NOTICE OF OPPOSITION**

Dear Commissioner:

Enclosed please find a Notice of Opposition for the following:

Applicant: The Cartoon Network, LP, LLLP  
Mark: ARMY OF JOHN  
Serial No.: 77-021583  
Class: 28  
Filed: October 16, 2006  
Published: February 6, 2007

As required, this Notice of Opposition is being submitted in triplicate. Also enclosed is a postage-paid return card.

Should there be any questions regarding the materials submitted, please call me directly at 650-628-7416.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Sue Garfield', written over the printed name.

Sue Garfield  
Director Intellectual Property

Enclosures

EL590955002US

**Certificate of Mailing #**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail-Post Office to Addressee in an envelope addressed to: Trademark Trial & Appeal Board, US Patent & Trademark Office, P.O.Box 1451, Alexandria, VA 22313-1451

6-5-07 (Date)

A handwritten signature in dark ink, appearing to read 'JHE', written over the printed name.  
(Name)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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ELECTRONIC ARTS INC.,

Opposer,

v.

THE CARTOON NETWORK LP, LLLP,  
TURNER ENTERTAINMENT NETWORKS,  
INC., TEN INVESTMENT COMPANY, INC.

Applicant.

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OPPOSITION No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

**Mark Opposed:** ARMY OF JOHN

**Serial No.:** 77-021583

**Int'l Class:** 28

**Filed:** October 16, 2006

**Published:** February 6, 2007

As grounds for Opposition, Electronic Arts Inc. alleges as follows.

**I. INTRODUCTION**

1. Opposer Electronic Arts Inc. (hereafter "Electronic Arts"), a corporation organized and existing under the laws of the State of Delaware, having a place of business at 209 Redwood Shores Parkway, Redwood City, California 94065, believes that it will be damaged by registration of the trademark ARMY OF JOHN for the goods identified in Application Serial No. 77-021583 (the "Application"), in U.S. classes 22, 23 and 38 filed by The Cartoon Network LLP, LLLP, A General Partner, Turner Entertainment Networks, Inc., a Georgia Corporation and a Limited Partner, Ten Investment Company, Inc., a Delaware Corporation (Delaware Limited Liability Partnership) (hereafter "Applicant").

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2. Electronic Arts notes that it timely filed a request for extension of time to oppose the Application, which request was granted until June 6, 2007.

## **II. FACTUAL BACKGROUND**

3. Electronic Arts was founded in 1982, and has become a leading developer and publisher of interactive entertainment software for personal computers, mobile phones and devices, and advanced entertainment systems such as the PlayStation3 and Xbox, as well as related goods and services. Electronic Arts also operates several websites where consumers can preview and play games, purchase products or services, or access information about games, including [www.ea.com](http://www.ea.com) and [www.armyoftwo.com](http://www.armyoftwo.com). Electronic Arts markets and offers its goods and services around the world, and has over 6,500 employees and annual revenues over \$3.5 billion. Since its inception, Electronic Arts has received more than 700 awards for its outstanding products in both the United States and Europe. Electronic Arts' broad portfolio of franchises includes wholly-owned titles such as the enormously popular THE SIMS games, as well as licensed brands such as MADDEN NFL, NBA LIVE, THE LORD OF THE RINGS, and the HARRY POTTER properties.

4. Electronic Arts owns two allowed intent-to-use applications for the marks ARMY OF TWO and ARMY OF T.W.O. (collectively, the "ARMY OF TWO" Marks), each filed on October 7, 2005, as identified below.

- a) ARMY OF TWO (Serial No. 78/729,292) for "(Class 9) Computer game cartridges; computer game cassettes; computer game discs; interactive multimedia computer game programs; downloadable computer game software via a global computer network and wireless POS (point of service) devices; computer application software for mobile phones; Computer game software and entertainment software in the nature of computer games for use on mobile and cellular phones, handheld computers, computers, video game consoles, both handheld and free standing, and other wireless POS (point of service) devices" and "(Class 41) Providing a computer game that may be accessed network-wide by network users; entertainment services, namely, providing an online computer game accessed and played via mobile and cellular phones and other wireless POS (point of service) devices; providing interactive computer games over an electronic network."

- b) ARMY OF T.W.O. (Serial No. 78/729,296) for “(Class 9) Computer game cartridges; computer game cassettes; computer game discs; interactive multimedia computer game programs; downloadable computer game software via a global computer network and wireless POS (point of service) devices; computer application software for mobile phones; Computer game software and entertainment software in the nature of computer games for use on mobile and cellular phones, handheld computers, computers, video game consoles, both handheld and free standing, and other wireless POS (point of service) devices” and “(Class 41) Providing a computer game that may be accessed network-wide by network users; entertainment services, namely, providing an online computer game accessed and played via mobile and cellular phones and other wireless POS (point of service) devices; providing interactive computer games over an electronic network.”

5. Electronic Arts’ filing priority is indisputable as both of Electronic Arts’ applications, identified above, were filed over one year prior to Applicant’s ARMY OF JOHN application. Electronic Arts also recently announced that its ARMY OF TWO product will be available in 2007, as stated on Electronics Arts’ website for the title at [www.armyoftwo.com](http://www.armyoftwo.com). Electronics Arts is informed and believes, and on that basis alleges, that Applicant has not yet used the ARMY OF JOHN mark in commerce or promoted any product or service in connection with the mark.

### **III. LIKELIHOOD OF CONFUSION**

6. The ARMY OF JOHN Application was filed on October 16, 2006 under Section 1(b) of the Lanham Act, alleging a bona fide intent to use and seeking registration on the Principal Register in international class 28 for:

“TOYS AND SPORTING GOODS INCLUDING GAMES AND PLAYTHINGS FEATURING CHARACTERS FROM ANIMATED, ACTION ADVENTURE, COMEDY AND/OR DRAMA FEATURES, NAMELY, ACTION FIGURES AND ACCESSORIES THEREFOR, PLUSH TOYS, BALLOONS, BATHTUB TOYS, RIDE-ON TOYS, PLAYING CARDS, EQUIPMENT SOLD AS A UNIT FOR PLAYING CARD GAMES, TOY VEHICLES, DOLLS, FLYING DISCS, ELECTRONIC HAND-HELD GAME UNIT, GAME EQUIPMENT SOLD AS A UNIT FOR

PLAYING A BOARD GAME, A MANIPULATIVE GAME, A PARLOR GAME AND AN ACTION TYPE TARGET GAME, STAND ALONE VIDEO OUTPUT GAME MACHINES, JIGSAW AND MANIPULATIVE PUZZLES, PAPER FACE MASKS, SKATEBOARDS, ICE SKATES, WATER SQUIRTING TOYS, BALLS, NAMELY, PLAYGROUND BALLS, SOCCER BALLS, BASEBALLS, BASKETBALLS, BASEBALL GLOVES, SWIMMING FLOATS FOR RECREATIONAL USE, KICK BOARD FLOTATION DEVICES FOR RECREATIONAL USE, SURFBOARDS, SWIM BOARDS FOR RECREATIONAL USE, SWIM FINS, TOY BAKEWARE AND TOY COOKWARE, TOY BANKS, AND CHRISTMAS TREE ORNAMENTS, NOT BEING ILLUMINATED AND NOT BEING MADE OF CONFECTIONERY.”

7. The ARMY OF JOHN mark proposed for registration by Applicant is confusingly similar to Electronic Arts’ ARMY OF TWO Marks, is to be applied to goods which are the same or closely related to those goods and services offered by Electronic Arts, and so nearly resembles Electronic Arts’ ARMY OF TWO Marks that it is likely to cause confusion and lead to misunderstanding as to origin, sponsorship, affiliation or endorsement by or with Electronic Arts and its goods and services.

8. If Applicant were granted registration in the ARMY OF JOHN mark, confusion resulting in damage and/or other injury to Electronic Arts would be caused and would result by reason of the similarity between the ARMY OF JOHN mark and Electronic Arts’ ARMY OF TWO Marks. Consumers familiar with Electronic Arts’ ARMY OF TWO Marks may purchase Applicant’s ARMY OF JOHN products mistakenly believing that such products are sold, sponsored or endorsed by Electronic Arts, or otherwise affiliated with Electronic Arts. Furthermore, any faults or objections found with Applicant’s products would reflect poorly upon and injure the reputation that Electronic Arts has established for its goods or services.

Wherefore, Electronic Arts prays that this Opposition be sustained and that registration of the mark ARMY OF JOHN covered by Application Serial No. 77-021583 in International Class 28 be denied.

Please charge the statutory filing fee of \$300 (\$300 per class) and any additional fees to the Deposit Account No. 501462.

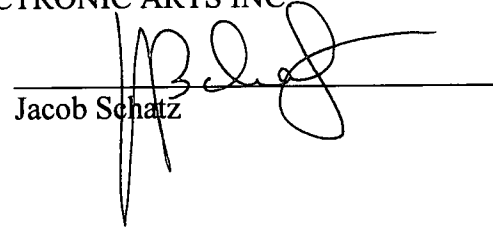
Respectfully submitted,

ELECTRONIC ARTS INC

Dated: June 5, 2007

By:

Jacob Schatz

A handwritten signature in black ink, appearing to read 'JS', is written over a horizontal line. The signature is stylized and cursive.